

## **I. POLICY**

EVMS complies with the Family Educational Rights and Privacy Act of 1974 (FERPA) and protects the privacy of all education records unless otherwise exempted by FERPA. It is the policy of EVMS that all access and disclosure be in accordance with the terms outlined below and the annual FERPA notice to students (Annual FERPA Notice) which is available on the Registrar website and considered a part of this Policy.

## **II. EDUCATION RECORDS**

A. Education Records means those records that are:

1. Directly related to a student; and
2. Maintained by EVMS or by a party acting EVMS.

B. Education Records do not mean:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of EVMS Police, subject to the provisions of § 99.8 of FERPA.
3. Records relating to an individual who is employed by EVMS or EVMS Medical Group that:
  - a. Are made and maintained in the normal course of business;
  - b. Relate exclusively to the individual in that individual's capacity as an employee; and
  - c. Are not available for use for any other purpose.

Note: Records relating to an individual in attendance at EVMS who is employed as a result of his or her status as a student are education records and not excepted under this section.

4. Records on a student at EVMS, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and

- c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution;
5. Records created or received by EVMS after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

### **III. CONFIDENTIALITY OF EDUCATION RECORDS**

- A. With the exception of Directory Information and School Officials with a Legitimate Educational Interest (faculty and employees who have an educational or administrative need to know) as outlined in the Annual FERPA Notice and other exceptions outlined under § 99.31 of FERPA, all Educational Records are considered confidential and will not be released to outside parties without the consent of the student. This includes providing information to parents and spouses.
- B. Students may provide consent for EVMS to disclose Education Records to a non-affiliated third party by completing an Authorization to Release Academic Records form located on the Registrar website.
- C. Nothing in this section shall be construed to limit the obligations of EVMS under The Solomon Amendment (10 U.S.C. § 983), a federal law that requires institutions to provide directory-type information on students, at least 17 years of age who are registered for at least one credit, upon request from representatives of the Department of Defense for military recruiting purposes. This information, referred to as "student recruiting information," includes: student name, addresses, telephone listings, age or year of birth, place of birth, level of education or degrees received, academic major, and the most recent previous educational institution in which the student was enrolled. A request for student recruiting information under Solomon must be honored unless the student has completed the Directory Information Hold Form and submitted the completed form to the Registrar's Office.

### **IV. STUDENT ACCESS TO EDUCATION RECORDS**

- A. Students may inspect and review their Education Records by completing and submitting a Request to Inspect and Review Education Records form to the Registrar's office.
- B. Within 45 days of the request, EVMS (or the appropriate component thereof) will make arrangements for access and notify the student of the time and place where the Education Records may be inspected.
- C. EVMS does not have to permit a student to inspect and review Education Records that are:

1. Financial records; or
  2. Confidential letters and confidential statements of recommendation if the student has waived his or her right to inspect and review those letters and statements and the letters and statements are related to the student's:
    - a. Admission to an educational institution;
    - b. Application for employment; or
    - c. Receipt of an honor or honorary recognition.
- D. If the records are not maintained by EVMS, the Registrar shall advise the student of the correct official to whom the request should be addressed.

## **II. STUDENT AMENDMENT TO EDUCATION RECORDS**

- A. Students may request an amendment to their Education Records for information that they believe to be inaccurate, misleading, or in violation of the student's rights of privacy by completing and submitting the Request to Inspect and Review Education Records form to the Registrar's office.
- B. Within 10 business days of receiving a request, the Registrar's office shall decide whether to amend the record as requested.
- C. If EVMS decides not to amend the record as requested, the student will receive written notice of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

## **III. EDUCATION RECORD RETENTION**

- A. EVMS retains Educational Records in accordance with requirements and recommendations from FERPA, the American Association of Collegiate Registrar's and Admissions Officers (AACRAO), Library of Virginia, and the Associate of American Medical Colleges (AAMC).
- B. The Registrar office maintains a retention schedule that outlines Education Record Categories, length of time they should be kept, and instructions for disposition.
- C. All areas who create, use, or maintain Educational Records are responsible for ensuring such records are stored in a secure manner and are maintained and destroyed in accordance with the Registrar retention schedule.